

administrative proceeding or civil action.

(c) In the event that a majority of the members of the board of directors are named as respondents in an administrative proceeding or civil action and request indemnification, the remaining members of the board may authorize independent legal counsel to review the indemnification request and provide the remaining members of the board with an opinion of counsel as to whether the conditions delineated in paragraph (a) of this section have been met. If independent legal counsel opines that said conditions have been met, the remaining members of the board of directors may rely on such opinion in authorizing the requested indemnification.

(d) In the event that all of the members of the board of directors are named as respondents in an administrative proceeding or civil action and request indemnification, the board shall authorize independent legal counsel to review the indemnification request and provide the board with an opinion of counsel as to whether the conditions delineated in paragraph (a) of this section have been met. If independent legal counsel opines that said conditions have been met, the board of directors may rely on such opinion in authorizing the requested indemnification.

#### **§ 359.6 Filing instructions.**

Requests to make excess nondiscriminatory severance plan payments pursuant to § 359.1(f)(2)(v) and golden parachute payments permitted by § 359.4 shall be submitted in writing to the FDIC regional director (Supervision) for the region in which the institution is located. The request shall be in letter form and shall contain all relevant factual information as well as the reasons why such approval should be granted. In the event that the consent of the institution's primary federal regulator is required in addition to that of the FDIC, the requesting party shall submit a copy of its letter to the FDIC to the institution's primary federal regulator. In the case of national banks, such written requests shall be submitted to the OCC district office where the institution is located. In the case of state member banks and bank holding companies, such written requests shall be submitted to the Federal Reserve district bank where the institution or holding company, respectively, is located. In the case of savings associations and savings association holding companies, such written requests shall be submitted to the OTS regional office where the institution or

holding company, respectively, is located. In cases where the prior consent of only the institution's primary federal regulator is required and that agency is not the FDIC, a written request satisfying the requirements of this paragraph shall be submitted to the primary federal regulator as described in this paragraph.

#### **§ 359.7 Applicability in the event of receivership.**

The provisions of this part, or any consent or approval granted hereunder by the FDIC (in its corporate capacity), shall not in any way bind any receiver of a failed insured depository institution. Any consent or approval granted hereunder by the FDIC or any other federal banking agency shall not in any way obligate such agency or receiver to pay any claim or obligation pursuant to any golden parachute, severance, indemnification or other agreement. Claims for employee welfare benefits or other benefits which are contingent, even if otherwise vested, when the FDIC is appointed as receiver for any depository institution, including any contingency for termination of employment, are not provable claims or actual, direct compensatory damage claims against such receiver. Nothing in this part may be construed to permit the payment of salary or any liability or legal expense of any IAP contrary to 12 U.S.C. 1828(k)(3).

By order of the Board of Directors, dated at Washington, D.C., this 21st day of March, 1995.

Federal Deposit Insurance Corporation

**Robert E. Feldman,**

*Acting Executive Secretary.*

[FR Doc. 95-7603 Filed 3-28-95; 8:45 am]

BILLING CODE 6714-01-P

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **15 CFR Part 944**

[Docket No. 950222055-5055-01]

RIN 0648-AH92

#### **Restricting or Prohibiting Attracting Sharks by Chum or Other Means in the Monterey Bay National Marine Sanctuary**

**AGENCY:** Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Extension of comment period.

**SUMMARY:** The National Oceanic and Atmospheric Administration's Sanctuaries and Reserves Division (SRD) is considering amending the regulations for the Monterey Bay National Marine Sanctuary (MBNMS or Sanctuary) to restrict or prohibit the attracting of sharks by the use of chum or other means in the MBNMS. An advance notice of proposed rulemaking published February 28, 1995 (60 FR 10812) discusses the reasons SRD is considering restricting or prohibiting this activity in the MBNMS. A thirty day comment period was to close on March 30, 1995. This notice extends the comment period by fifteen days.

**DATES:** Comments must be received by April 14, 1995.

**ADDRESSES:** Comments should be sent to Elizabeth Moore, Sanctuaries and Reserves Division, National Oceanic and Atmospheric Administration, 1305 East West Highway, SSMC4 12th Floor, Silver Spring, Maryland, 20910. Comments will be available for public inspection at the same address and at the Monterey Bay National Marine Sanctuary office at 299 Foam Street, Suite D, Monterey, California, 93940.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Moore at (301) 713-3141 or Aaron King at (408) 647-4257 or at mbmns@igc.apc.org.

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program.

Dated: March 21, 1995.

**Frank Maloney,**

*Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.*

[FR Doc. 95-7606 Filed 3-28-95; 8:45 am]

BILLING CODE 3510-08-M

## **INTERNATIONAL TRADE COMMISSION**

### **19 CFR Part 210**

#### **Notice of Proposed Rulemaking Concerning Federal Register Notices and Service of Documents on Other Agencies**

**AGENCY:** International Trade Commission.

**ACTION:** Notice of proposed rulemaking and request for comments.

**SUMMARY:** The Commission proposes to amend certain final rules for investigations and related proceedings under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) to do the following: eliminate the **Federal Register** publication requirement for

certain notices that are not required by law; and reduce the number of documents that are served on other Federal agencies pursuant to section 337(b)(2).

**DATES:** Comments on the proposed amendments to the final rules will be considered if received on or before May 30, 1995.

**ADDRESSES:** A signed original and 18 copies of each set of comments, along with a cover letter stating the nature of the commenter's interest in the proposed rulemaking, should be submitted to Donna R. Koehnke, Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436.

**FOR FURTHER INFORMATION CONTACT:** P.N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3061. Hearing-impaired individuals can obtain information concerning the proposed rulemaking by contacting the Commission's TDD terminal at 202-205-1810.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 1, 1994, the Commission published final rules for 19 CFR part 210 to eventually replace the interim rules currently found in 19 CFR parts 210 and 211.<sup>1</sup> The interim rules in 19 CFR Parts 210 and 211 (1994) apply to all pending investigations and related proceedings that were instituted before September 1, 1994. The final rules, which went into effect on Aug. 31, 1994, and will be codified in 19 CFR Part 210 in 1995, apply to all investigations and related proceedings instituted on or after September 1, 1994.<sup>2</sup>

The interim and final Commission rules governing investigations and related proceedings under section 337 require the Commission to serve various documents on other Federal agencies and to publish a notice in the **Federal Register** when certain events occur. The Commission Inspector General's (IG's) Audit Report No. IG-03-94, *Review of Ways to Increase the Economy and Efficiency of the Process for Conducting Section 337 Investigations* (Aug. 19, 1994), criticized those practices.

The IG recommended that the Commission cease publication of **Federal Register** notices that are not required by law. She suggested that the following factors supported such action:

(1) The publication fees are not nominal; (2) significant amounts of staff time and resources are consumed in the preparation of notices for publication; (3) the parties to an investigation are served with copies of all notices issued in the investigation and thus do not have to rely on the **Federal Register**; and (4) interested persons who are not parties can obtain copies of Commission notices from sources other than the **Federal Register**. The Commission agreed that it should cease the publication of some, but not all, **Federal Register** notices that are not required by law.

The IG also recommended that the Commission cease the current practice of routinely serving various section 337 documents on other agencies, which practice was initiated in order to comply with the section 337(b)(2) provision requiring the Commission to consult with and to seek advice and information from other agencies. The IG noted that other agencies rarely commented and often did not review the section 337 documents that were served.

The Commission agreed with the IG's conclusion that the Commission rules should be amended to eliminate the requirement that various documents be served on other agencies and that the Commission's present system of complying with the statutory mandate to consult with such agencies needs improvement.

On behalf of the Commission, the Chairman issued administrative orders implementing the proposed changes by suspending the relevant interim and final rules on an interim basis. See Administrative Orders 95-09 (Mar. 1, 1995), 95-10 (Mar. 1, 1995), 95-11 (Mar. 21, 1995), and 95-12 (Mar. 21, 1995).

The Commission also decided to publish proposed amendments to the final rules to eliminate the **Federal Register** publication requirement for some, but not all, notices that are not required by statute. The specific amendments that the Commission is contemplating are discussed below.

##### Final Rule 210.7

Final rule 210.7 is currently entitled "Service of process and other documents." The Commission proposes to amend that rule by retitling it "Service of process and other documents; publication of notices" and by adding provisions concerning the publication of **Federal Register** notices. The Commission thought it best to add the new publication provisions to an existing rule rather than creating a new rule, in order to avoid having to renumber the existing rules.

The Commission proposes to amend the text of final rule 210.7 by designating the current text as paragraph (a) of the amended rule and then adding a new paragraph (b) which provides that notices will be published in the **Federal Register** only when such publication is required—

1. By a rule in 19 CFR Chapter II of the Commission's rules of Practice and Procedure (which includes the rules of general application in Part 201 as well as the rules in Part 210); or

2. By order of an ALJ or the Commission (notwithstanding the absence of a rule specifically authorizing publication of the notice in question); or

3. Because an ALJ or the Commission has determined to amend or supplement a previously published notice.

Section 337 notices are available for public inspection in the Office of the Secretary. They will also be made available on WESTLAW and LEXIS. The Commission also is exploring the possibility of making its section 337 notices available on the Internet.

##### Final Rule 210.11

Paragraph (a) of final rule 210.11 governs service of documents by the Commission Secretary when the Commission institutes a section 337 investigation. Paragraph (a) currently requires the Secretary to serve nonconfidential copies of the following documents on other Federal agencies:

(1) The complaint; (2) the notice of investigation; and (3) the motion for temporary relief (if any).

The Commission proposes to amend paragraph (a) to eliminate the requirement that copies of the complaint and motion for temporary relief must be served on other agencies. Copies of those submissions will be made available to the other agencies upon request. The amended paragraph (a) will be will designated paragraph (a)(1) of the amended rule 210.11 and will contain no reference to service of documents on other agencies. The Commission proposes to create a new paragraph (a)(2) stating that the Commission will serve copies of the notice of investigation on other Federal agencies.

##### Final Rule 210.21

Paragraph (b)(2) of final rule 210.21 discusses the action to be taken when an administrative law judge (ALJ) certifies to the Commission an initial determination (ID) granting a motion for termination of an investigation in whole or part on the basis of a licensing, settlement, or other agreement. The Commission proposes to amend this rule by eliminating the requirement that

<sup>1</sup> See 59 FR 39020, Part II (Aug. 1, 1994) as corrected by 59 FR 64286 (Dec. 14, 1994).

<sup>2</sup> Interim amendments to the final rules were published at 59 FR 67622 (Dec. 30, 1994). Those amendments apply to all section 337 complaints filed on or after January 1, 1995.

a notice soliciting public comments on the ID is to be published in the **Federal Register**. Paragraph (b)(2) will also be amended to provide that if the Commission's final disposition of the ID results in termination of the investigation in its entirety, a notice will be published in the **Federal Register**.

Finally, paragraph (b)(2) will be amended to state that notice of the ID will be given to the other Federal agencies and departments. The cover letter accompanying the notice will:

1. Identify the parties and products involved (to the extent that information does not appear in the notice);
2. Offer to provide the nonconfidential version of the ID upon request; and
3. List an appropriate person to contact for further information.

If the Commission ultimately determines to make its IDs and other section 337 documents available on the Internet, all cover letters also will explain how the ID and other documents can be accessed on the Internet.

Paragraph (c)(2) of final rule 210.21 discusses the final disposition of an ID granting a motion for termination of an investigation in whole or part on the basis of a consent order. Paragraph (c)(2)(i) of that rule will be amended to omit the requirement that copies of an ID are to be served on other Federal agencies. The amended paragraph will provide that notice of the ID will be given to the other agencies. (The notice will be accompanied by a cover letter of the sort described above in connection with notice of an ID granting termination on the basis of a settlement, licensing, or other agreement.)

The Commission proposes to amend paragraph (c)(2)(ii) by eliminating the requirement that notice of the Commission's final disposition of the ID granting a motion for termination on the basis of a consent order is to be published in the **Federal Register**. Instead, the amended rule will state that a notice will be published only if the final disposition of the ID results in termination of the investigation in its entirety. A **Federal Register** notice will not be published if the disposition terminates the investigation only in part (i.e., as to one or more, but not all, respondents).

Paragraph (d) of final rule 210.21 was added by the December 30, 1994, interim amendments to Part 210 to implement the Uruguay Round Agreements Act. Paragraph (d) discusses the final disposition of an ID granting a motion for termination of an investigation in whole or part on the basis of an arbitration agreement. The Commission proposes to amend

paragraph (d) by eliminating the requirement that notice of the Commission's final disposition of the ID granting a motion for termination on the basis of an arbitration agreement is to be published in the **Federal Register**. Instead, the amended rule will state that a notice will be published only if the final disposition of the ID results in termination of the investigation in its entirety.

#### **Final Rule 210.41**

Final rule 210.41, as amended on December 30, 1994, currently states that, except as provided in the rules governing terminations on the basis of a consent order, settlement, licensing, arbitration or other agreement, an order of termination issued by the Commission shall constitute a determination of the Commission. The Commission proposes to further amend final rule 210.41 by adding a sentence stating that the Commission shall publish in the **Federal Register** notice of each Commission order that terminates an investigation in its entirety.

#### **Final Rule 210.42**

Paragraph (e) of final rule 210.42 indicates that nonconfidential copies of all IDs on matters other than temporary relief will be served on other Federal agencies. The Commission proposes to amend paragraph (e) to provide that notice of IDs granting motions for termination of an investigation in whole or part on the basis of a consent order or a licensing, settlement, or other agreement—and notice of such other IDs as the Commission may order—will be provided to the customary Federal agencies (in the manner described above in connection with paragraphs (b)(2) and (c)(2)(i) of final rule 210.21 concerning notices of IDs granting termination on the basis of a consent order or a licensing, settlement, or other agreement).

Paragraph (i) of final rule 210.42 currently states that notice of the Commission's decision to review an ID will be published in the **Federal Register**. The Commission proposes to amend that paragraph by deleting the publication requirement and replacing it with a statement that if the Commission's decision terminates the investigation in its entirety, a notice will be published in the **Federal Register**.

#### **Final Rule 210.43**

Paragraph (d)(3) of final rule 210.43 currently states that notice of the Commission's decision to grant a petition for review of an ID on a matter other than temporary relief will be served on other Federal agencies. The

Commission proposes to amend paragraph (d)(3) to state that such a notice will be served on the other agencies only if the notice also solicits written submissions from interested persons on the issues of remedy, the public interest, and bonding by respondents.

#### **Final Rule 210.45**

Paragraph (c) of final rule 210.45 currently describes the action that the Commission may take upon review of an ID on a matter other than temporary relief. The Commission proposes to amend paragraph (c) to provide that if the Commission's determination on review terminates the investigation in its entirety, a notice will be published in the **Federal Register**.

#### **Final Rule 210.66**

Paragraph (d) of final rule 210.66 states that copies of the nonconfidential version of each ID on temporary relief will be served on other Federal agencies. The Commission proposes to amend paragraph (d) to state that notice of the ID will be provided to the other agencies (in the manner described above in connection with final rule 210.21 concerning notice of IDs granting termination on the basis of a consent order or a licensing, settlement, or other agreement).

Paragraph (f) of final rule 210.66 currently states that notice of the Commission's final disposition of a temporary relief ID will be published in the **Federal Register**. The Commission proposes to amend paragraph (f) to state that notice of the determination will be published in the **Federal Register** only if the Commission's disposition of the ID has resulted in a determination that there is reason to believe that section 337 has been violated and a temporary remedial order is to be issued. (Section 337(j)(1) requires that a notice be published in those circumstances.)

#### **Final Rule 210.74**

Paragraph (b) of final rule 210.74 describes the procedure for Commission modification of the reporting requirements of consent orders. The Commission proposes to amend paragraph (b) to provide that notice of any proposed change will be published in the **Federal Register** only if the Commission determines to solicit public comment on the proposed change.

#### **Final Rule 210.75**

Paragraph (b) of final rule 210.75 describes the Commission action to be taken following receipt of a petition for modification or rescission of a remedial order, a consent order, or another

Commission order. The Commission proposes to amend paragraph (b) by removing the requirement that notice of the institution of such proceedings be published in the **Federal Register**.

If the Commission decides to proceed with this rulemaking after reviewing the comments filed in response to this notice, the proposed rule amendments will be promulgated in accordance with the Administrative Procedure Act (5 U.S.C. 553), and will be codified in 19 CFR part 210. If and when the final rules are amended, the Commission will also revoke appropriate provisions of the interim rules.

#### List of Subjects in 19 CFR Part 210

Administrative practice and procedure, Advisory opinions, Business and industry, Customs duties and inspection, Imports, Investigations.

#### PART 210—ADJUDICATIVE PROCEDURES

1. The authority citation for part 210 will continue to read as follows:

**Authority:** 19 U.S.C. 1333, 1335, and 1337.

2. For the reasons set forth in the preamble, the Commission proposes to revise § 210.7 to read as follows:

##### § 210.7 Service of process and other documents; publication of notices.

(a) *Manner of service.* The service of process and all documents issued by or on behalf of the Commission or the administrative law judge—and the service of all documents issued by parties under §§ 210.27 through 210.34 of this part—shall be in accordance with § 201.16 of this chapter, unless the Commission, the administrative law judge, or another section of this part specifically provides otherwise.

(b) *Publication of notices.* (1) Notice of action by the Commission or an administrative law judge will be published in the **Federal Register** only as specifically provided in paragraph (b)(2) of this section, by another section in this chapter, or by order of an administrative law judge or the Commission.

(2) When an administrative law judge or the Commission determines to amend or supplement a notice published in accordance with paragraph (b)(1) of this section, notice of the amendment will be published in the **Federal Register**.

3. For the reasons set forth in the preamble, the Commission proposes to revise paragraph (a) of § 210.11 to read as follows:

##### § 210.11 Service of complaint and notice of investigation.

(a)(1) Notwithstanding the provisions of § 210.54 requiring service of the

complaint by the complainant, the Commission, upon institution of an investigation, shall serve copies of the complaint and the notice of investigation (and any accompanying motion for temporary relief) upon each respondent and the embassy in Washington, DC of the government of each foreign country represented by each respondent. All respondents named after an investigation has been instituted and the governments of the foreign countries they represent shall be served as soon as possible after the respondents are named.

(2) The Commission shall serve copies of the notice of investigation upon the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, the U.S. Customs Service, and such other agencies and departments as the Commission considers appropriate.

\* \* \* \* \*

4. For the reasons set forth in the preamble, the Commission proposes to revise paragraphs (b)(2), (c)(2)(i), (c)(2)(ii), and (d) of § 210.21 to read as follows:

##### § 210.21 Termination of investigations.

\* \* \* \* \*

(b) *Termination by settlement.* \* \* \*

(2) The motion and agreement(s) shall be certified by the administrative law judge to the Commission with an initial determination if the motion for termination is granted. If the licensing or other agreement or the initial determination contains confidential business information, copies of the agreement and initial determination with confidential business information deleted shall be certified to the Commission simultaneously with the confidential versions of such documents. Notice of the initial determination and the agreement shall be provided to the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, the U.S. Customs Service, and such other departments and agencies as the Commission deems appropriate. If the Commission's final disposition of the initial determination results in termination of the investigation in its entirety, a notice will be published in the **Federal Register**. An order of termination by settlement need not constitute a determination as to violation of section 337 of the Tariff Act of 1930.

(c) *Termination by entry of consent order.* \* \* \*

(2) *Commission disposition of consent order.* (i) If an initial determination granting the motion for termination based on a consent order stipulation is

filed with the Commission, notice of the initial determination and the consent order stipulation shall be provided to the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, the U.S. Customs Service, and such other departments and agencies as the Commission deems appropriate.

(ii) The Commission, after considering the effect of the settlement by consent order upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, shall dispose of the initial determination according to the procedures of §§ 210.42 through 210.45. If the Commission's final disposition of the initial determination results in termination of the investigation in its entirety, a notice will be published in the **Federal Register**. An order of termination by consent order need not constitute a determination as to violation of section 337. Should the Commission reverse the initial determination, the parties are in no way bound by their proposal in later actions before the Commission.

\* \* \* \* \*

(d) *Termination based upon arbitration agreement.* Upon filing of a motion for termination with the administrative law judge or the Commission, a section 337 investigation may be terminated as to one or more respondents pursuant to section 337(c) of the Tariff Act of 1930 on the basis of an agreement between complainant and one or more of the respondents to present the matter for arbitration. The motion and a copy of the arbitration agreement shall be certified by the administrative law judge to the Commission with an initial determination if the motion for termination is granted. If the agreement or the initial determination contains confidential business information, copies of the agreement and initial determination with confidential business information deleted shall be certified to the Commission with the confidential versions of such documents. A notice will be published in the **Federal Register** if the Commission's final disposition of the initial determination results in termination of the investigation in its entirety. An order of termination based on an arbitration agreement does not constitute a determination as to violation of section 337 of the Tariff Act of 1930.

\* \* \* \* \*

5. For the reasons set forth in the preamble, the Commission proposes to revise § 210.41 to read as follows:

**§ 210.41 Termination of investigation.**

Except as provided in § 210.21(b)(2), (c), and (d), an order of termination issued by the Commission shall constitute a determination of the Commission under § 210.45(c). The Commission shall publish in the **Federal Register** notice of each Commission order that terminates an investigation in its entirety.

6. For the reasons set forth in the preamble, the Commission proposes to amend paragraphs (e) and (i) of § 210.42 to read as follows:

**§ 210.42 Initial determinations.**

\* \* \* \* \*

(e) *Notice to and advice from other departments and agencies.* Notice of each initial determination granting a motion for termination of an investigation in whole or part on the basis of a consent order or a settlement, licensing, or other agreement pursuant to § 210.21 of this part, and notice of such other initial determinations as the Commission may order, shall be provided to the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, the U.S. Customs Service, and such other departments and agencies as the Commission deems appropriate. The Commission shall consider comments, limited to issues raised by the record, the initial determination, and the petitions for review, received from such agencies when deciding whether to initiate review or the scope of review. The Commission shall allow such agencies 10 days after the service of an initial determination to submit their comments.

\* \* \* \* \*

(i) *Notice of determination.* A notice stating the Commission's decision on whether to review an initial determination will be issued by the Secretary and served on the parties. Notice of the Commission's decision will be published in the **Federal Register** if the decision results in termination of the investigation in its entirety.

7. For the reasons set forth in the preamble, the Commission proposes to revise paragraph (d)(3) of § 210.43 to read as follows:

**§ 210.43 Petitions for review of initial determinations on matters other than temporary relief.**

\* \* \* \* \*

(d) \* \* \*

(3) The Commission shall grant a petition for review and order review of an initial determination or certain issues therein when at least one of the participating Commissioners votes for ordering review. In its notice, the Commission shall establish the scope of the review and the issues that will be considered and make provisions for filing of briefs and oral argument if deemed appropriate by the Commission. If the notice solicits written submissions from interested persons on the issues of remedy, the public interest, and bonding in addition to announcing the Commission's decision to grant a petition for review of the ID, the notice shall be served by the Secretary on all parties, the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, the U.S. Customs Service, and such other departments and agencies as the Commission deems appropriate.

8. For the reasons set forth in the preamble, the Commission proposes to revise paragraph (c) of § 210.45 to read as follows:

**§ 210.45 Review of initial determinations on matters other than temporary relief.**

\* \* \* \* \*

(c) *Determination on review.* On review, the Commission may affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, the initial determination of the administrative law judge. The Commission also may make any findings or conclusions that in its judgment are proper based on the record in the proceeding. If the Commission's determination on review terminates the investigation in its entirety, a notice will be published in the **Federal Register**.

9. For the reasons set forth in the preamble, the Commission proposes to revise paragraphs (d) and (f) of § 210.66 to read as follows:

**§ 210.66 Initial determination concerning temporary relief; Commission action thereon.**

\* \* \* \* \*

(d) Notice of the initial determination shall be served on the other agencies listed in § 210.50(a)(2). Those agencies will be given 10 calendar days from the date of service of the notice to file comments on the initial determination.

\* \* \* \* \*

(f) If the Commission determines to modify, reverse, or set aside the initial determination, the Commission will issue a notice and, if appropriate, a Commission opinion. If the Commission does not modify, reverse, or set aside the administrative law judge's initial

determination within the time provided under paragraph (b) of this section, the initial determination will automatically become the determination of the Commission. Notice of the Commission's determination concerning the initial determination will be issued on the statutory deadline for determining whether to grant temporary relief, or as soon as possible thereafter, and will be served on the parties. Notice of the determination will be published in the **Federal Register** if the Commission's disposition of the ID has resulted in a determination that there is reason to believe that section 337 has been violated and a temporary remedial order is to be issued. If the Commission determines (either by reversing or modifying the administrative law judge's initial determination, or by adopting the initial determination) that the complainant must post a bond as a prerequisite to the issuance of temporary relief, the Commission may issue a supplemental notice setting forth conditions for the bond if any (in addition to those outlined in the initial determination) and the deadline for filing the bond with the Commission.

10. For the reasons set forth in the preamble, the Commission proposes to revise paragraph (b) of § 210.74 to read as follows:

**§ 210.74 Modification of reporting requirements.**

\* \* \* \* \*

(b) *Consent orders.* Consistent with the standards set forth in paragraph (a) of this section, the Commission may modify reporting requirements of consent orders. The Commission shall serve notice of any proposed change, together with the reporting requirements to be modified and the reasons therefor, on each party subject to the consent order. Such parties shall be given the opportunity to submit briefs to the Commission, and the Commission may hold a hearing on the matter. Notice of any proposed change in the reporting requirements will be published in the **Federal Register** if the Commission determines to solicit public comment on the proposed change.

11. For the reasons set forth in the preamble, the Commission proposes to revise paragraph (b)(1) of § 210.75 to read as follows:

**§ 210.75 Proceedings to enforce exclusion orders, cease and desist orders, consent orders, and other Commission orders.**

\* \* \* \* \*

(b) *Formal enforcement proceedings.*  
(1) The Commission may institute an enforcement proceeding at the Commission level upon the filing of a

complaint by the complainant in the original investigation or his successor in interest, by the Office of Unfair Import Investigations, or by the Commission setting forth alleged violations of any exclusion order, cease and desist order, or consent order. If a proceeding is instituted, the complaint shall be served upon the alleged violator. Within 15 days after the date of service of such a complaint, the named respondent shall file a response to it. Responses shall fully advise the Commission as to the nature of any defense and shall admit or deny each allegation of the complaint specifically and in detail unless the respondent is without knowledge, in which case its answer shall so state and the statement shall operate as a denial. Allegations of fact not denied or controverted may be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered.

\* \* \* \* \*

Issued: March 22, 1995.

By Order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 95-7567 Filed 3-28-95; 8:45 am]

BILLING CODE 7020-02-P

## 19 CFR Part 210

### Filing of Complaints Alleging Unfair Practices in Import Trade

**AGENCY:** International Trade Commission.

**ACTION:** Proposed rulemaking and request for comments.

**SUMMARY:** The Commission proposes to amend the Commission's final rules for investigations and related proceedings under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The proposed amendments require section 337 complainants to file equal numbers of confidential and nonconfidential copies of complaints and to file them on the same date.

**DATES:** Comments on the proposed amendments will be considered by the Commission if received on or before April 28, 1995.

**ADDRESSES:** A signed original and 18 copies of each set of comments, along with a cover letter stating the nature of the commenter's interest in the proposed rulemaking, should be submitted to Donna R. Koehnke, Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436.

**FOR FURTHER INFORMATION CONTACT:** P.N. Smithey, Esq., Office of the General

Counsel, U.S. International Trade Commission, telephone 202-205-3061. Hearing-impaired individuals can obtain information concerning the proposed rulemaking by contacting the Commission's TDD terminal at 202-205-1810.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 1, 1994, the Commission published final rules for 19 CFR part 210.<sup>1</sup> The current 10-day deadline under final rule 210.4(f)(3)(i) for section 337 complainants to file nonconfidential copies of their complaints after the confidential version is filed has generated concern on the part of law firms and their clients (or potential clients) that become aware that a section 337 complaint has been filed (presumably via the Commission's petition and complaint line recording) but are not able to examine immediately a nonconfidential version of the complaint. The Commission now believes that there is no reason to apply a 10-day delay to the filing of nonconfidential copies of complaints, since section 337 complainants normally have ample time to prepare a public version of their complaint and should be able to file that version simultaneously with the confidential version. The Commission thus proposes to amend the final rules to require section 337 complainants to file equal numbers of confidential and nonconfidential copies of complaints and to file them on the same date.

The proposed rule amendments set forth in this notice are intended to streamline administrative process by improving the speed and efficiency of the Commission's distribution and service of nonconfidential copies of complaints. The Commission believes that the proposed rule changes, if promulgated, will achieve those objectives by doing the following:

1. Eliminating the need for the Dockets Branch of the Office of the Secretary to make copies of the nonconfidential version of each complaint in order to perform the required distribution and service of nonconfidential copies of the complaint;
2. Facilitating the ability of the Dockets Branch to promptly distribute nonconfidential copies of complaints to interested persons and the Commission immediately after the complaint is filed; and
3. Facilitating the ability of the Dockets Branch to promptly serve nonconfidential copies of each complaint on the respondents and the appropriate embassies immediately

after the Commission votes to institute an investigation in response to the complaint.

The public comments filed in response to this notice will aid the Commission in determining whether the proposed rule amendments will achieve the desired streamlining objectives.

#### Section-by-Section Analysis of the Proposed Amendments

In order to effectuate the proposed rule changes concerning the filing of nonconfidential copies of complaints, the Commission proposes to amend final rules 210.4, 210.5, 210.8, and 210.52 in the manner described below.

##### Subpart A—Rules of General Applicability

###### Final Rule 210.4

Paragraph (f)(3) of final rule 210.4 currently requires section 337 complainants to file nonconfidential copies of their complaints 10 days after the confidential version is filed. The Commission proposes to amend paragraph (f)(3) to require complainants to file nonconfidential copies of their complaints concurrently with the confidential copies.

###### Final Rule 210.5

Paragraph (a) of final rule 210.5 currently states that, unless the Commission or an administrative law judge (ALJ) orders otherwise, confidential business information shall be submitted in accordance with 19 CFR 201.6(c), which requires that business information for which the supplier desires confidential treatment must be clearly labelled "confidential business information" when submitted and must be segregated from other material being submitted.

The Commission proposes to amend paragraph (a) of final rule 210.5 to provide that confidential business information shall be submitted in accordance with 19 CFR 201.6(b) (instead of 19 CFR 201.6(c)), since 19 CFR 201.6(b) outlines the procedure for submitting business information in confidence. Paragraph (a) of final rule 210.5 also will be amended to provide that in the case of a complaint and a motion for temporary relief, the requisite number of nonconfidential copies is prescribed by final rule 210.8(a) (and not by 19 CFR 201.8(d)).<sup>2</sup>

<sup>2</sup> Section 201.6(b)(3)(v) of 19 CFR requires the filing of a nonconfidential copy of the document for which confidential treatment is being sought, as required in 19 CFR 201.8(d). Section 201.8(d) of 19 CFR requires the filing of "at least four" nonconfidential copies.

<sup>1</sup> See 59 FR 39020, Part II (Aug. 1, 1994), as corrected by 59 FR 64286 (Dec. 14, 1994) and amended by 59 FR 67622 (Dec. 30, 1994).